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Attorney for Josh Hall

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSH HALL,

Defendant.

Case No.: CR 10-229 BR

DEFENDANT, JOSH HALL'S OBJECTION
TO DEFENDANT VAN BEENEN'S
MOTION TO SEAL AND MOTION FOR
PROTECTIVE ORDER

Through his counsel, Defendant, Josh Hall, objects to Defendant David Van Beenen's motion to seal email communications he claims were inadvertently disclosed to a third party and to the Government. Defendant Hall further objects to entry of a protective order which restricts his access to and use of the involved email communications.

Although Hall's defense counsel has not seen these email communications he questions:

1. Whether the email communications are subject to the attorney-client privilege;

2. If privileged, whether defendant Van Beenen's failure to advise his counsel of the purported inadvertent disclosure precludes a finding that he took reasonable steps to rectify that mistake;

1 – DECLARATION OF JOSH HALL IN SUPPORT OF WAIVER OF APPEARANCE

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1 3. Whether the Government is nonetheless required to produce the email
2 communications as discovery to Defendant Hall during pretrial or trial proceedings; and

3 4. Whether, if sealed, the Court should nonetheless permit Defendant Hall's
4 defense counsel to review the email communications to make a complete record
5 concerning their exculpatory value to Defendant Hall.

6 This motion finds support in a memorandum of points and authorities filed herewith.

7 Dated: May 11, 2011.

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9 */s/ Noel Grefenson*

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Noel Grefenson, OSB No. 88216
Attorney for Defendant Hall